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U.S. DISTRICT COURT  
SAVANNAH DIV.

UNITED STATES DISTRICT COURT 206 AUG 28 AM 9:45

SOUTHERN DISTRICT OF GEORGIA CLERK *[Signature]*  
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SAVANNAH DIVISION

WILLIAM P. JACOBS, III, )  
Petitioner, )  
v. ) Case No. CV406-208  
AL ST. LAWRENCE, )  
Respondent. )

**REPORT AND RECOMMENDATION**

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a motion to proceed without prepayment of the \$5.00 filing fee. Docs. 1, 2. As it appears that petitioner lacks the resources to pay the filing fee, his motion to proceed *in forma pauperis* is GRANTED.

In the instant § 2254 petition, petitioner lists four grounds for relief but submits no factual allegations for consideration by the Court. Instead, petitioner simply references and loosely quotes from the Fifth and Fourteenth Amendments, the Fourth Amendment requirement for prompt

determination of probable cause following an arrest, and O.C.G.A. §17-4-26 without any explanation of how those provisions were infringed. Such conclusory allegations, unsupported by any facts, do not comply with the rules governing § 2254 proceedings<sup>1</sup> or entitle petitioner to any relief. See Blackledge v. Allison, 431 U.S. 63, 75 n.7 (1977) (noting that notice pleading is not sufficient for habeas petition) (citing Advisory Committee Note to Rule 4, Rules Governing Section 2254 Cases); Beard v. Clarke, 18 Fed. Appx. 530, 531, 2001 WL 1006104, \*1 (9th Cir. Aug. 29, 2001) (affirming dismissal of habeas petition which raised conclusory allegations unsupported by any facts); Rule 2, Rules Governing § 2254 Cases (requiring petitioner to state “facts supporting each ground” and “relief requested”). A § 2254 petition devoid of any factual support is subject to dismissal without prejudice.

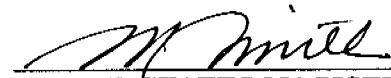
Accordingly, the Court recommends that the instant petition be DISMISSED without prejudice for failure to present any factual allegations

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<sup>1</sup>Petitioner has also ignored the clear instructions on his § 2254 form petition, which emphasizes: “Summarize briefly the facts supporting each ground.” Doc. 1 at 5 (emphasis in original).

for relief.

**SO REPORTED AND RECOMMENDED this 28<sup>th</sup> day of  
August, 2006.**

  
**UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

WILLIAM P. JACOBS, III, )  
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**O R D E R**

After a careful de novo review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

**SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2006.

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**WILLIAM T. MOORE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA**

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**WILLIAM T. MOORE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA**